

In the United States Court of Federal Claims

No. 21-745

Filed: October 14, 2021

ANDREW U. D. STRAW,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

ORDER

Plaintiff Andrew Straw, proceeding pro se, filed this action on January 11, 2021 asking the Court to review the Supreme Court's denial of twelve petitions for certiorari. (Compl., ECF No. 1). Mr. Straw also requested leave to proceed in forma pauperis. (IFP Application, ECF No. 2). The previous day, the Court had entered an anti-filing injunction against Mr. Straw in a related matter, finding that Mr. Straw had demonstrated a history of frivolous litigation. *Andrew U.D. Straw v. United States*, Case No. 20-1157, (Fed. Cl. Jan. 12, 2021) (ECF No. 22). Consequently, for the same reasons as it entered the anti-filing injunction, the Court denied Mr. Straw's motion for leave and ordered him to pay the required filing fees on or before February 5, 2021 or else his Complaint would be dismissed under RCFC 41. (Order, ECF No. 9). Mr. Straw appealed that denial and the anti-filing injunction. *Straw v. United States*, No. 2021-1600, 2021 WL 3440773 (Fed. Cir. Aug. 6, 2021).

On August 6, the Federal Circuit affirmed this Court's denial of Mr. Straw's motion for leave to proceed in forma pauperis. *Id.* at *5. The Circuit also found that even if Mr. Straw's motion were granted, this Court would lack jurisdiction over his claims. *Id.* at *6 (holding "the Claims Court has no jurisdiction to review decisions of the Supreme Court and, thus, no power to grant Mr. Straw the remedy he seeks."). Additionally, the Circuit indicated that even though this Court had yet to reach the issue prior to appeal, the Complaint was likely "frivolous on its face." *Id.*; see also *Straw v. United States*, 4 F.4th 1358 (Fed. Cir. 2021) (finding Mr. Straw's related litigation "frivolous."). Furthermore, the Circuit affirmed this Court's entry of an anti-filing order against Mr. Straw. *Straw*, 2021 WL 3440773 at *6.

After the Circuit's mandate issued, in consideration of the time consumed by the appeal, the Court granted Mr. Straw a fourteen-day enlargement to pay his filing fee—up to and including October 13, 2021. (ECF No. 17). As of the date of this order, the docket reflects that the required filing fee remains unpaid. Instead, Mr. Straw responded by filing a Motion to Withdraw his claims without prejudice so that he may refile the same claims at a later date. (Pl.'s Mot. at 4, ECF No. 18). Dismissal without prejudice is not appropriate because these claims are frivolous and Mr. Straw's plans for future litigation are subject to the requirements of the anti-

filing injunction entered in *Andrew U.D. Straw v. United States*, Case No. 20-1157. His Motion to Withdraw is **DENIED**.

In summary, Mr. Straw has failed to pay the required filing fee, brings frivolous claims for which relief cannot be granted, and cannot demonstrate that the Court possesses jurisdiction over his claims. This fusillade of deficiencies mandates dismissal under RCFC 41, 28 U.S.C. 1915(e)(2)(B), and RCFC 12(h)(3). Mr. Straw's Complaint is **DISMISSED WITH PREJUDICE**. The Clerk is directed to enter judgment for the United States consistent with this Opinion. No costs are awarded.

IT IS SO ORDERED.



David A. Tapp

DAVID A. TAPP, Judge